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**General debate on national experience on population matters: international migration and development**

## Note verbale dated 3 April 2006 from the Permanent Mission of Mexico to the United Nations addressed to the Secretariat

The Permanent Mission of Mexico to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to the thirty-ninth session of the Commission on Population and Development, to be held from 3 to 7 April 2006 at United Nations Headquarters.

In this regard, the Permanent Mission of Mexico has the honour to attach as annex a document entitled "Mexico and the migration phenomenon" and would be grateful if it could be distributed as a document of the aforementioned session under item 4 of the provisional agenda,* "General debate on national experience in population matters: international migration and development" (see annex).

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## Annex to the note verbale dated 3 April 2006 from the Permanent Mission of Mexico to the United Nations addressed to the Secretariat

### Mexico and the migration phenomenon

In Mexico, as in other countries and regions of the world, the migration phenomenon is complex and difficult to tackle, whether with respect to the exit, entry, return or transit of migrants. All these aspects of the migration phenomenon are to be observed in Mexico.

In view of the extent and nature of the migration phenomenon which prevails today and will continue to prevail for the foreseeable future, and in view of its implications for the country's development, Mexico must develop a new approach and find new ways to address the problem.

In recent years, due to the extent of Mexican migration and the complexity of its ramifications for the economic and social life of Mexico and the United States, the migration phenomenon has gained more prominence on the national agendas of both countries and has also become a prominent issue on their bilateral agenda.

As soon as it assumed office the Government of President Fox presented to the Mexican people and to the United States authorities a comprehensive agenda for managing the various aspects of migration between the two countries. The Mexican position was based on the principle of *shared responsibility*, which reflects the recognition that both countries must play their part in efforts to improve the bilateral management of the migration phenomenon.

In 2001 the Governments of both nations intensified their dialogue and began a process of bilateral negotiations, in order to confront the many challenges and opportunities presented by this phenomenon with a view to establishing a new immigration regime between the two countries.

The terrorist attacks of 11 September 2001 against United States territory, which are to be condemned in the most unequivocal terms, altered both the pace and the nature of the bilateral migration agenda. First, the link between migration and national security, especially in relation to the common border, has become a central issue of that agenda. Second, a variety of relevant political actors, and notably the legislators of both countries, have become increasingly involved in the debate.

The debate now taking place in the United States on immigration reform provides an opportunity for Mexico to make progress in the bilateral management of the phenomenon, and has sparked a fundamental reflection on the consequences of that debate for Mexico and its migration policy.

At the request of the Executive Branch and the Senate, a group comprising Government migration officials, senators, deputies, academics, migration experts and representatives of civil society organizations agreed to develop a national migration policy based on a common assessment and a common position. In this context, a series of meetings was held on the theme, "Prospects and design of platforms for the creation of a Mexican migration policy".

The ideas incorporated in the present document emerged from those meetings and will be used to revise Mexico's position on migration issues and to offer certain specific suggestions with respect to immigration reform in the United States.

**Principles**

On the basis of the aforementioned meetings, the participants agreed on the following principles for guiding Mexico's migration policy.

- The migration problem must be fully understood by the Mexican State — including both the people and the Government — because it calls for actions and commitments that respond to current circumstances.
- The international implications of this problem for Mexico call for international actions and commitments — especially vis-à-vis neighbouring regions and countries — which, in the context of international cooperation, must be based on the principle of *shared responsibility*.
- Mexico's migration policy recognizes that as long as a significant number of its citizens cannot find, in their own country, an economic and social environment that can ensure their full development and well-being and encourage them to remain in the country, the conditions for migration abroad will continue to exist.
- Mexico must develop and apply its migration laws and policies with full respect for the human rights of migrants and their families, regardless of their nationality and immigration status, as well as respect for the right to refuge and asylum, and in accordance with the relevant international instruments.
- The growing link between migration, security and borders at the global level is a reality that is, and will remain, a feature of Mexico's relations with neighbouring countries. These three aspects of the problem must therefore be taken into account in the formulation of new migration policies.
- Mexico is committed to combating trafficking in persons in all its forms, as well as related criminal activities, to ensuring the integrity and security of persons, and to developing cooperation in this area with the Governments of neighbouring countries.
- Because current migration processes in Mexico have regional ramifications, especially vis-à-vis Central America, Mexico's migration policy must be given a more regional focus.

**Recommendations concerning the commitments that Mexico must make**

The group's recommendations for revising Mexico's migration policy notably include the following:

- Evaluate and update Mexico's current migration policy and its legal and regulatory framework in the light of the new regional and international realities in the areas of immigration, transmigration and emigration. The timeline for this action is 15-20 years;
- Promote the economic and social development of the country, thereby providing the population with a greater incentive to stay in Mexico;

- Insofar as the receiving country issues a sufficient number of appropriate visas to the maximum number of workers and their families who, until now, have been crossing the border without documents because they have been unable to obtain them, Mexico must ensure that any person who decides to leave its territory does so through legal channels;
- Within the framework of international cooperation, step up the fight against criminal organizations involved in the illegal trafficking of migrants and the use of false documents and strengthen the policies and legal and regulatory framework for the prevention and prosecution of trafficking in human beings, particularly women and children, and for the protection of the victims of this crime;
- Encourage migrants and their families to return to national territory and ensure that they are properly reintegrated into society;
- Adapt Mexico's migration policy towards its southern neighbours to reflect the characteristics of those countries and ensure that it provides for border security and facilitates the legal, secure and orderly flow of persons, in accordance with the principles of shared responsibility and respect for human rights;
- Strengthen security and order along Mexico's northern and southern borders, having due regard to regional development in border areas;
- Strengthen cooperation with the United States and Canada within the framework of the Security and Prosperity Partnership of North America as well as with the regional bodies and mechanisms dealing with that phenomenon, such as the Regional Conference on Migration and the Ibero-American Summit;
- Review and, where appropriate, amend the legislative and institutional framework in order to respond appropriately to current and expected migration trends. To that end, a special mechanism for inter-institutional cooperation will be required;
- Develop permanent mechanisms to coordinate the work of the executive and legislative powers, with the participation of the academic community and civil society, which will make it possible to develop and achieve Mexico's agenda in the area of migration.

**Issues to consider in the event of a reform of migration policy in the United States**

Mexico does not promote undocumented migration and wishes to contribute to finding better ways of dealing with the migration phenomenon. Consequently, the group deemed it appropriate to set out a number of ideas regarding the position that should be adopted by Mexico in the event of a reform of migration policy in the United States:

- While recognizing the sovereign right of every nation to regulate the entry of foreign nationals into its territory and their conditions of stay, the situation of undocumented individuals who live in the United States and contribute to the development of that country must be resolved in such a way as to ensure their full integration into the communities in which they have settled, with all the associated rights and obligations;

- Support a temporary workers programme with the broadest possible scope and emphasize that such a programme must be part of a wider process that includes measures to address the situation of undocumented Mexicans who have already settled in the United States;

- The establishment of a feasible temporary workers programme requires the participation of the Mexican Government in its design, management, monitoring and evaluation, on the basis of the principle of shared responsibility;

- Mexico and the United States will be able to enhance the effectiveness of their fight against organizations involved in the illicit trafficking of migrants, the use of false documents and, in general, the violence and insecurity that now prevail along the shared border by establishing a programme that makes it possible to deal with the majority of temporary migrants through legal channels. In turn, Mexico will be better able to urge potential migrants to comply with the established procedures and to adopt measures designed to reduce the incidence of undocumented migration;

- Mexico must complete the studies already under way on the introduction of measures to facilitate the implementation of a temporary workers programme in order to manage the supply of possible participants, establish additional certification mechanisms and monitor and evaluate the development of the programme;

- Mexico recognizes that one of the essential elements for the success of a temporary workers programme is the capacity to guarantee the circular flow of such workers and to design a series of incentives to ensure that emigrants return to Mexico. To that end, steps could be taken to strengthen housing programmes designed to allow migrants to build homes in their communities of origin using funds lent at preferential rates which can be repaid while they are abroad;

- Other mechanisms that should be developed include the establishment of binational medical insurance, which would improve health-care access for migrants and their families, and the conclusion of an agreement on the accumulation of social security benefits, which would enable workers who pay contributions in the United States to draw their pensions in Mexico;

- Mexico would also be in a position to strengthen the programmes set up by the Ministries of Social Development and Labour with a view to creating social and employment conditions that encourage and facilitate the return and reintegration of its nationals to their places of origin.

The working group will seek to remain a permanent forum for reflection, debate and the design of public policies on migration.

**Participants in the meetings on prospects for and design of platforms for the creation of a Mexican migration policy**

| *Legislators* | *Federal Government* | *Academics* | *Foreign policy experts* | *Civil society organizations* |
|---|---|---|---|---|
| • Senator Silvia Hernández | • Under-Secretary Gerónimo Gutiérrez (SRE) | • Jorge Santibáñez (COLEF) | • Andrés Rozental (COMEXI) | • Mauricio Farah (CNDH) |
| • Senator Héctor Osuna | • Under-Secretary Rodolfo Tuirán (SEDESOL) | • Rafael Fernández de Castro (ITAM) | • Jorge Montaño (COMEXI) | • Fabienne Venet (Sin Fronteras) |
| • Senator Raymundo Cárdenas | • Under-Secretary Gerardo López (STPS) | • Manuel Ángel Castillo (COLMEX) | • Luis Herrera-Lasso (Coppan Group) | |
| • Congress-woman Laura Elena Martinez | • Elena Zúñiga (CONAPO) | • Rodolfo García Zamora (UAZ) | | |
| • Congress-woman Ruth Hernández | • Lauro López (INM) | • Ulises Carmona (UNAM) | | |
| • Congressman Manuel Camacho Solís | | • Francisco de Alba (COLMEX) | | |
| | *Jaime Domingo López** | | *Gustavo Mohar** | |

* Jaime Domingo López and Gustavo Mohar participated in the meetings in their capacity as Under-Secretary for Population Migration and Religious Affairs of the Ministry of the Interior and representative of STRUCTURA, respectively. They now occupy different positions.